UNITED NATIONS

GENERAL
ASSEMBLY

Distr.
GENERAL

A/CN.9/1992/INF.1
16 January 1992

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Twenty-fifth session
New York, 4-22 May 1992

Outline of the programme of the UNCITRAL Congress:

Uniform Commercial Law in the 21st Century

(New York, 18-22 May 1992)

Note by the Secretariat

V.92-50308 8097T

1. At its twenty-fourth session (1991), 1/ the United Nations Commission on International Trade Law (UNCITRAL) welcomed a proposal by the secretariat to organize a congress on international trade law in the context of the twenty-fifth session of the Commission and as a contribution to the programme of activities of the United Nations Decade of International Law (General Assembly resolution 44/23 of 17 November 1989). The Commission entrusted its secretariat with the organization of the Congress and requested it, as a first step, to prepare an outline of the programme of the Congress.

2. The present note has been prepared pursuant to that request. It contains in annex I a preliminary programme of the Congress. Governments are encouraged to distribute copies of the preliminary programme to all relevant and potentially interested persons within their State. The preliminary programme is designed to provide sufficient information on the orientation and topics of the Congress to attract the interest especially of the ultimate users of uniform legal texts, such as practising lawyers, corporate counsel, ministry officials, judges and teachers of law.

3. The present note also contains (annex II) a considerably shorter announcement that might be placed in bar journals and other relevant publications. Governments are encouraged to seek timely placement of the announcement in publications within their State.

4. The secretariat is in the process of preparing the final and complete programme, identifying the chairpersons and speakers who, as suggested at the twenty-fourth session of the Commission, will be from all the major legal systems and geographical regions of the world and include both individuals currently or formerly associated with the Commission and individuals not associated with the Commission.

5. It is expected that speakers who are currently associated with the Commission would speak in their personal capacity, in line with the purpose of the Congress in providing a forum for free-wheeling dialogue and brainstorming on the current state and the future of commercial law unification. To the same end, it is suggested that no conclusions, resolutions or recommendations should be envisaged as an agreed result of the Congress; instead, each participant may draw his or her own conclusions. As regards the possible programme of future work of the Commission, it is submitted that the Commission may wish to discuss that matter at its twenty-sixth session in 1993, benefiting then from what will have transpired during the panoramic overview at the Congress.

6. As suggested at the twenty-fourth session, among the questions to be discussed at the Congress will be various aspects of the process and value of unification (see programme for Monday, 18 May, and Friday, 22 May). Above all, the Congress will be practice-oriented, as generally agreed at the twenty-fourth session. That orientation especially characterizes the programme for Tuesday through Thursday (19 to 21 May) when half-day meetings will be devoted to selected areas of commercial law. Each meeting will consist of three parts of similar duration.

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 17 (A/46/17), paras. 343-349.

7. During the first part of each meeting, two speakers will report on practical aspects and recent developments concerning a principal uniform legal text, with a view to providing concise information to practitioners. As may be seen from the programme, such legal texts need not have emanated from the work of the Commission; however, they have to be of universal design and relevance, thus excluding regional texts. The speakers are invited to add, if they so wish, their views on the practical relevance of other universal texts and on possible topics for future work. For that purpose, the secretariat will give them in advance a strictly informal and illustrative list of other universal texts and of possible future topics that have come to the attention of the secretariat either in meetings or through publications.

8. The same list will be given to the commentators featuring as "Voices of international practice (VIPs)" in the second part of each meeting. Those VIPs are expected to assess the practical relevance of existing uniform legal texts and to identify suitable topics for unification efforts by the Commission or other formulating agencies. Some VIPs will be individual practitioners speaking on their own behalf, but most of them will be spokespersons of international or national bar associations or their relevant committees, presenting the cumulative wisdom and experience of their members collected during meetings before the Congress or via correspondence. For each meeting, four VIPs that have been selected by the secretariat will be given 10 minutes each to express their views and concerns.

9. The third part of each meeting, an "Open floor", will provide an opportunity to interested Congress participants to ask questions or to comment on any point falling within the area of trade law covered by the meeting. It is suggested that the time for each intervention be limited to five minutes so as to allow at least 10 participants at each session to express their views.

10. Both the preliminary programme and the announcement specify how persons interested in attending the Congress may request admission. No such request is necessary for members of delegations of States or of international organizations participating in the twenty-fifth session of the Commission. In this connection, the secretariat shares the hope expressed by the Commission at its twenty-fourth session that all States and concerned international organizations will take the opportunity of sending delegates to the Congress to consider the accomplishments achieved in the progressive unification and harmonization of international trade law during the past 25 years and the needs that can be foreseen for the next 25 years.

Annex I

PRELIMINARY PROGRAMME OF THE UNCITRAL CONGRESS

The United Nations Commission on International Trade Law

invites participation in its Congress:

Uniform Commercial Law in the 21st Century

from 18 to 22 May 1992
at United Nations Headquarters, New York (General Assembly Hall)

The Congress, organized by the UNCITRAL secretariat, will be held in the context of the twenty-fifth session of the Commission and is designed as a contribution by the Commission to the activities of the United Nations Decade of International Law.

Participants

The Commission hopes that all States and interested international organizations will take the opportunity of sending delegates to the Congress to consider the accomplishments achieved in the progressive unification and harmonization of international trade law during the past 25 years and the needs that can be foreseen for the next 25 years.

Also, the Commission invites other specialists in international trade law, in particular, ultimate users of uniform legal texts, such as practising lawyers, corporate counsel, judges, arbitrators and teachers of law.

Objectives and orientation

The Congress will be practice-oriented in providing to practitioners and other users of uniform legal texts:

(a) Up-to-date information and practical guidance concerning principal legal texts of universal relevance;

(b) An opportunity of expressing their opinion on the current state of the unification of the laws and rules governing world commerce;

(c) A forum in which to voice their practical needs as a basis for future work by the Commission and other formulating agencies.

Outline of the programme*

Monday (18 May) — Process and value of unification of commercial law (lessons for the future drawn from the past 25 years)

Morning

10.00 - 10.15	Opening address
10.15 - 10.30	The birth of UNCITRAL (with a minute of silence in memory of C. M. Schmitthoff)
10.30 - 10.50	The goals of unification
10.50 - 11.10	The process of preparing universally acceptable uniform legal texts
11.10 - 11.40	Coffee break
11.40 - 13.00	Methods of improved coordination between formulating agencies (statements by representatives of other international organizations and public discussion)
13.00 - 15.00	Lunch break

Afternoon

15.00 - 15.40	Various techniques of unification: (a) Legislative means of unification (b) Non-legislative means of harmonization
15.40 - 16.20	Application and interpretation of uniform legal texts: (a) Travaux préparatoires, case collections, commentaries and other aids in interpretation (b) "The cook who eats his own soup": Experiences of a judge applying a legal text co-drafted by him
16.20 - 16.50	Tea break
16.50 - 18.00	Value of universal unification for regional integration and development (statements by representatives of regional organizations and public discussion)

---

*The final and complete programme, giving the names of chairpersons, speakers and commentators, who will be from all regions and different legal systems, will be published in due course and distributed to Congress participants upon confirmation of their admission.

Tuesday (19 May)	From goods to services
Morning	Sale of goods
10.00 - 10.30	Practical questions relating to the United Nations Sales Convention (1980)
10.30 - 11.00	Novel features of the ICC INCOTERMS 1990
11.00 - 11.40	Voices of international practice: Representatives of selected bar associations assess the practical relevance of existing uniform legal texts and suggest topics for future work by UNCITRAL or other formulating agencies
11.40 - 12.10	Coffee break
12.10 - 13.00	Open floor: Questions and comments by participants
13.00 - 15.00	Lunch break
Afternoon	Supply of services
15.00 - 15.30	Practical questions relating to the UNIDROIT Leasing Convention (1988)
15.30 - 16.00	The UNCITRAL Legal Guide on Industrial Works and the new FIDIC conditions
16.00 - 16.40	Voices of international practice
16.40 - 17.10	Tea break
17.10 - 18.00	Open floor
Wednesday (20 May)	From traditional payments to electronic messages
Morning	Payments, credits and banking
10.00 - 10.30	Novel benefits offered by the UNCITRAL Bills and Notes Convention (1988)
10.30 - 11.00	"UCP 500": Proposed revision of the ICC Uniform Customs and Practice for Documentary Credits
11.00 - 11.40	Voices of international practice
11.40 - 12.10	Coffee break
12.10 - 13.00	Open floor
13.00 - 15.00	Lunch break

Afternoon	Electronic data interchange (EDI)
15.00 - 15.30	Electronic commerce and the law
15.30 - 16.00	EDI and developing countries
16.00 - 16.40	Voices of international practice
16.40 - 17.10	Tea break
17.10 - 18.00	Open floor
Thursday (21 May)	Transport; dispute settlement
Morning	Transport
10.00 - 10.30	From the Hague to Hamburg: Towards modern uniform rules for maritime transport
10.30 - 11.00	Liability standards in the United Nations Terminal Operators Convention (1991) and other transport conventions
11.00 - 11.40	Voices of international practice
11.40 - 12.10	Coffee break
12.10 - 13.00	Open floor
13.00 - 15.00	Lunch break
Afternoon	Dispute settlement
15.00 - 15.30	Practical problems in applying the 1958 New York Convention
15.30 - 16.00	Useful additions to the UNCITRAL Model Arbitration Law
16.00 - 16.40	Voices of international practice
16.40 - 17.10	Tea break
17.10 - 18.00	Open floor
Friday (22 May)	The future role of UNCITRAL
10.00 - 10.20	The changing role of UNCITRAL
10.20 - 10.40	Improved methods of promoting wider awareness of uniform legal texts
10.40 - 11.30	Aspirations and priorities of developing countries: Representatives from various regions summarize what developing countries expect from UNCITRAL
11.30 - 12.00	Coffee break

12.00 - 12.45	Open floor: Final suggestions for the future activities of UNCITRAL
12.45 - 13.00	Closing speech

Languages and documents

Simultaneous interpretation will be provided in the official United Nations languages: Arabic, Chinese, English, French, Russian and Spanish.

Summaries of the above-mentioned speeches and reports will be published in all six languages and distributed to participants at the Congress.

Registration of participants

Interested persons who are not members of the delegation of a State or an international organization attending the twenty-fifth session of the Commission are invited to address their request for admission, giving their name, address, affiliation and preferred language of documentation, to:

UNCITRAL Secretariat, Vienna International Centre
P.O. Box 500 (E0455), A-1400 Vienna, Austria
(Fax: 43-1-237485; Telex: 135612 uno a; Telephone: 43-1-21131/4060).

While registration is free of charge, voluntary contributions to the UNCITRAL Trust Fund for Symposia would be appreciated.

(Please note that the UNCITRAL secretariat is unable to reserve hotel accommodation or to render financial support to participants.)

Annex II

ANNOUNCEMENT OF THE UNCITRAL CONGRESS

The United Nations Commission on International Trade Law

invites participation in its Congress:

Uniform Commercial Law in the 21st Century

from 18 to 22 May 1992
at United Nations Headquarters, New York (General Assembly Hall)

The Congress will provide practising lawyers, corporate counsel, judges, arbitrators, teachers of law and other users of uniform legal texts with:

(a) Up-to-date information and practical guidance concerning the principal legal texts of universal relevance;
(b) An opportunity of expressing their opinion on the practical value of current laws and rules governing world commerce;
(c) A forum to voice their practical needs as a basis for future work by the Commission and other formulating agencies.

Outline of programme

Monday, 18 May, is devoted to the process and value of the unification of commercial law.

Tuesday through Thursday (19 to 21 May) is devoted to the following areas of commercial law: sale of goods; supply of services; payments, credits and banking; electronic data interchange; transport; dispute settlement.

Speakers from all regions and legal systems report on practical aspects and recent developments relating to such universal legal texts as: United Nations Sales Convention; ICC INCOTERMS 1990; UNIDROIT Leasing Convention; UNCITRAL Legal Guide on Industrial Works; FIDIC conditions; UNCITRAL Bills and Notes Convention; ICC Uniform Customs and Practice; Hamburg Rules; United Nations Terminal Operators Convention; 1958 New York Convention; UNCITRAL Model Arbitration Law.

Voices of international practice: Representatives of selected bar associations from various regions and legal systems assess the practical value of existing uniform legal texts and suggest topics where unification is needed.

Open floor: Questions and comments by Congress participants.

Friday morning, 22 May, is devoted to the future role of UNCITRAL.

Request for admission: Persons interested in attending the Congress are invited to request admission, giving their name, address, affiliation and preferred language of documentation (i.e. Arabic, Chinese, English, French, Russian or Spanish), from:

UNCITRAL Secretariat, Vienna International Centre
P.O. Box 500 (E0455), A-1400 Vienna, Austria
(Fax: 43-1-237485; Telex: 135612 uno a; Telephone: 43-1-21131/4060).

Upon confirmation of their admission, participants will be sent the final and complete Congress programme. While participation is free of charge, voluntary contributions to the UNCITRAL Trust Fund for Symposia would be appreciated.